

Notice of Allowability

Application No.

10/717,861

Examiner

Andrae S. Allison

Applicant(s)

TUREK ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed September 26, 2007.
2. ☒ The allowed claim(s) is/are 1-75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Remarks

1. The Office Action has been issued in response to amendment filed September 26, 2007. Claims 1-75 are pending.

Allowance

2. The following is an examiner's statement of reasons for allowance: The following is an examiner's statement of reasons for allowance: The most pertinent prior art is Kaufman et al (Patent No.: 6,901,277) and Iiff (Patent No.: 6,234,964).

Kaufman discloses a method to track and analyze lung nodules said method comprising: imaging a patient with a medical imaging apparatus; downloading medical images of the patient produced by the imaging apparatus to a computer; and repeating said imaging and downloading a plurality of times at intervals selected to provide said analysis software with sufficient images to at least one of detect, quantify, stage, report, or track the disease in the patient by computer analysis of the images via the analysis software. However, Kaufman does not expressly disclose the computer analysis of the images via the analysis software executable on the personal computer of the patient and downloading medical images of the patient produced by the imaging apparatus to the personal computer of the patient. Iiff discloses disease management method that includes said analysis software executable on a personal computer of a patient.

Although Iiff discloses that the analysis software is executable on the patient computer,

the analysis software performs no image processing. Furthermore, the prior art made of record do perform image analysis, however, the computer performing such image analysis usually resides in a doctor's office or in a radiology center. And, having the analysis software executable on a patient's computer would be advantageous in instances such as drug treatment trail to allow the patient to monitor his or her progress and to transmit the results back to a central server. Moreover, liff does not teach downloading medical images of the patient produced by the imaging apparatus to the personal computer of the patient. The examiner finds no reason or motivation to combine the above references in an obvious rejection thus placing the application in condition for allowance.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Licoata et al (US Patent No.: 6,356,780) is cited to teach a method and apparatus for managing peripheral devices in a medical imaging system

Keller et al (Pub No.: 2002/0102012) is cited to teach an image transmitting system.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 +- pm, EST.

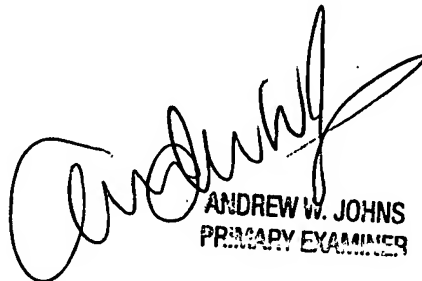
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

October 17, 2007

A.A.


ANDREW W. JOHNS
PRIMARY EXAMINER